

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

---

CARL MELTON, SR.

\*

Plaintiff,

\*

v.

\*

2:07-CV-1105-WKW

CAPT. LARRY NIXON, *et al.*,

\*

Defendants.

---

\*

**ORDER**

Plaintiff filed this 42 U.S.C. § 1983 action on December 20, 2007. At the time he filed this complaint, Plaintiff was incarcerated at the Autauga Metro Jail located in Prattville, Alabama. On December 28, 2007 the envelope containing Plaintiff's copy of an order filed December 21, 2007 was returned to the court marked "Return to sender," seemingly because Plaintiff was no longer at the address he had provided to the court.

All parties have an affirmative duty to inform this court of any change of address during the pendency of their actions. Upon review of the pleadings filed in the instant matter, it is clear that the court file does not contain an alternate address for Plaintiff and that he has not provided this court with a current address since the inception of filing the instant complaint. Accordingly, the court concludes that Plaintiff shall be granted an opportunity

to show cause why his complaint should not be dismissed for his failure to keep the court informed of his current address.

Accordingly, it is ORDERED that:

1. On or before January 17, 2008 Plaintiff SHOW CAUSE why his complaint should not be dismissed for his failure to provide the court with his current address. Plaintiff is cautioned that his failure to comply with this order will result in a Recommendation that his complaint be dismissed without prejudice;

2. The directive that Defendants file an answer and written report to Plaintiff's complaint be held in ABEYANCE pending Plaintiff's response to the instant order; and

3. The Clerk of Court SEND copy of this order to Defendants and to Plaintiff at his last known address.

Done, this 8<sup>th</sup> day of January 2008.

/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE